

**REMARKS**

The Office Action dated December 16, 2005, has been received and carefully considered. In this response, claims 2, 3, 8, and 11 have been amended, and claims 16-21 have been added. Entry of the amendments to claims 2, 3, 8, and 11, and the addition of claims 16-21 is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE ALLOWABILITY OF CLAIMS 5 AND 13

Applicant notes with appreciation the indication on page 5 of the Office Action that claims 5 and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants have opted to defer rewriting the above-identified claims in independent form pending consideration of the arguments presented below with respect to the rejected claims.

II. THE ANTICIPATION REJECTION OF CLAIMS 8, 10, 11, 14, AND 15

On page 2 of the Office Action, claims 8, 10, 11, 14, and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wolfman et al. (U.S. Patent No. 5,540,539). This rejection is hereby respectfully traversed.

Regarding claim 8, the Examiner asserts that Wolfman et al. discloses a lifting apparatus for transferring a user to and from a seat of a vehicle comprising: a mounting and support assembly for attachment to a chassis of the vehicle; an extension arm assembly directly coupled to the mounting and support assembly such that the extension arm assembly is located substantially in front of the vehicle seat; and a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon; wherein the extension arm assembly is operative to raise and lower the transfer seat assembly, such that the transfer seat assembly is substantially adjacent to and level with a sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly.

However, it is respectfully submitted that Wolfman et al. fails to disclose, or even suggest, a lifting apparatus for transferring a user to and from a seat of a vehicle comprising: a mounting and support assembly for attachment to a chassis of the vehicle; an extension arm assembly directly coupled to the mounting and support assembly in a non-pivoting manner such that the extension arm assembly is located substantially in front of the vehicle seat; and a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon; wherein the extension arm assembly is operative

to raise and lower the transfer seat assembly, wherein the transfer seat assembly is operative to transition between a seating configuration and a stowed configuration, wherein the transfer seat assembly is substantially laterally adjacent to and level with a substantially horizontal sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly and the transfer seat assembly is in the seating configuration, and wherein the transfer seat assembly is unable to support a user when the transfer seat assembly is in the stowed configuration, as presently claimed. Specifically, Wolfman et al. fails to disclose, or even suggest, an extension arm assembly directly coupled to the mounting and support assembly in a non-pivoting manner, as presently claimed. Also, Wolfman et al. fails to disclose, or even suggest, the transfer seat assembly is operative to transition between a seating configuration and a stowed configuration, as presently claimed. Further, Wolfman et al. fails to disclose, or even suggest, the transfer seat assembly is substantially laterally adjacent to and level with a substantially horizontal sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly and the transfer seat assembly is in the seating configuration, as presently claimed. Further, Wolfman et al. fails to disclose, or even suggest, the transfer seat

assembly is unable to support a user when the transfer seat assembly is in the stowed configuration, as presently claimed.

In view of the foregoing, it is respectfully submitted that Wolfman et al. does not disclose, or even suggest, the presently claimed invention as set forth in claim 8. Accordingly, it is respectfully submitted that claim 8 should be allowable.

Regarding claims 10, 11, 14, and 15, these claims are dependent upon independent claim 8. Thus, since independent claim 8 should be allowable as discussed above, claims 10, 11, 14, and 15 should also be allowable at least by virtue of their dependency on independent claim 8. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 8, 10, 11, 14, and 15 be withdrawn.

### III. THE ANTICIPATION REJECTION OF CLAIMS 2-4, 6, 8-12, AND 14

On pages 2-3 of the Office Action, claims 2-4, 6, 8-12, and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Czech et al. (U.S. Patent No. 5,180,275). This rejection is hereby respectfully traversed.

Regarding claim 2, the Examiner asserts that Czech et al. discloses a lifting apparatus for transferring a user to and from a seat of a vehicle comprising: a mounting and support assembly for attachment to a chassis of the vehicle; an extension arm assembly directly coupled to the mounting and support assembly such that the extension arm assembly is located substantially behind the vehicle seat; and a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon; wherein the extension arm assembly is operative to raise and lower the transfer seat assembly, such that the transfer seat assembly is substantially adjacent to and level with a sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly.

However, it is respectfully submitted that Czech et al. fails to disclose, or even suggest, a lifting apparatus for transferring a user to and from a seat of a vehicle comprising: a mounting and support assembly for attachment to a chassis of the vehicle; an extension arm assembly directly coupled to the mounting and support assembly in a non-pivoting manner such that the extension arm assembly is located substantially behind the vehicle seat; and a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon; wherein the extension arm assembly is operative to

raise and lower the transfer seat assembly, wherein the transfer seat assembly is operative to transition between a seating configuration and a stowed configuration, wherein the transfer seat assembly is substantially laterally adjacent to and level with a substantially horizontal sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly and the transfer seat assembly is in the seating configuration, and wherein the transfer seat assembly is unable to support a user when the transfer seat assembly is in the stowed configuration, as presently claimed. Specifically, Czech et al. fails to disclose, or even suggest, an extension arm assembly directly coupled to the mounting and support assembly in a non-pivoting manner, as presently claimed. Also, Czech et al. fails to disclose, or even suggest, the transfer seat assembly is operative to transition between a seating configuration and a stowed configuration, as presently claimed. Further, Czech et al. fails to disclose, or even suggest, the transfer seat assembly is substantially laterally adjacent to and level with a substantially horizontal sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly and the transfer seat assembly is in the seating configuration, as presently claimed. Further, Czech et al. fails to disclose, or even suggest, the transfer seat

assembly is unable to support a user when the transfer seat assembly is in the stowed configuration, as presently claimed.

In view of the foregoing, it is respectfully submitted that Czech et al. does not disclose, or even suggest, the presently claimed invention as set forth in claim 2. Accordingly, it is respectfully submitted that claim 2 should be allowable.

Regarding claims 3, 4, 6, and 9 these claims are dependent upon independent claim 2. Thus, since independent claim 2 should be allowable as discussed above, claims 3, 4, 6, and 9 should also be allowable at least by virtue of their dependency on independent claim 2. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claim 8, the same arguments presented above with respect to claim 2 are applicable. Thus, it is respectfully submitted that Czech et al. does not disclose, or even suggest, the presently claimed invention as set forth in claim 8. Accordingly, it is respectfully submitted that claim 8 should be allowable.

Regarding claims 10-12 and 14 these claims are dependent upon independent claim 8. Thus, since independent claim 8 should be allowable as discussed above, claims 10-12 and 14 should also be allowable at least by virtue of their dependency on independent claim 8. Moreover, these claims recite

additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

At this point it should be noted that claims 3 and 11 have been amended correspond to the amended language of claims 2 and 8 as discussed above. Also, new claims 16-21 have been added to cover additional features of the invention.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 2-4, 6, 8-12, and 14 be withdrawn.

#### IV. THE OBVIOUSNESS REJECTION OF CLAIMS 2, 3, 6, 7, AND 9

On page 3 of the Office Action, claims 2, 3, 6, 7, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfman et al. (U.S. Patent No. 5,540,539). This rejection is hereby respectfully traversed.

Regarding claim 2, the Examiner asserts that Wolfman et al. discloses a lifting apparatus for transferring a user to and from a seat of a vehicle comprising: a mounting and support assembly for attachment to a chassis of the vehicle; an extension arm assembly directly coupled to the mounting and support assembly such that the extension arm assembly is located substantially behind the vehicle seat; and a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon; wherein the extension



arm assembly is operative to raise and lower the transfer seat assembly, such that the transfer seat assembly is substantially adjacent to and level with a sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly.

However, it is respectfully submitted that Wolfman et al. fails to disclose, or even suggest, a lifting apparatus for transferring a user to and from a seat of a vehicle comprising: a mounting and support assembly for attachment to a chassis of the vehicle; an extension arm assembly directly coupled to the mounting and support assembly in a non-pivoting manner such that the extension arm assembly is located substantially behind the vehicle seat; and a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon; wherein the extension arm assembly is operative to raise and lower the transfer seat assembly, wherein the transfer seat assembly is operative to transition between a seating configuration and a stowed configuration, wherein the transfer seat assembly is substantially laterally adjacent to and level with a substantially horizontal sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly and the transfer seat assembly is in the seating configuration, and wherein the transfer seat assembly is unable to support a user when the transfer seat assembly is in the

stowed configuration, as presently claimed. Specifically, Wolfman et al. fails to disclose, or even suggest, an extension arm assembly directly coupled to the mounting and support assembly in a non-pivoting manner, as presently claimed. Also, Wolfman et al. fails to disclose, or even suggest, the transfer seat assembly is operative to transition between a seating configuration and a stowed configuration, as presently claimed. Further, Wolfman et al. fails to disclose, or even suggest, the transfer seat assembly is substantially laterally adjacent to and level with a substantially horizontal sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly and the transfer seat assembly is in the seating configuration, as presently claimed. Further, Wolfman et al. fails to disclose, or even suggest, the transfer seat assembly is unable to support a user when the transfer seat assembly is in the stowed configuration, as presently claimed.

In view of the foregoing, it is respectfully submitted that Wolfman et al. does not disclose, or even suggest, the presently claimed invention as set forth in claim 2. Accordingly, it is respectfully submitted that claim 2 should be allowable.

Regarding claims 3, 6, 7, and 9, these claims are dependent upon independent claim 2. Thus, since independent claim 2 should be allowable as discussed above, claims 3, 6, 7, and 9 should also be allowable at least by virtue of their dependency

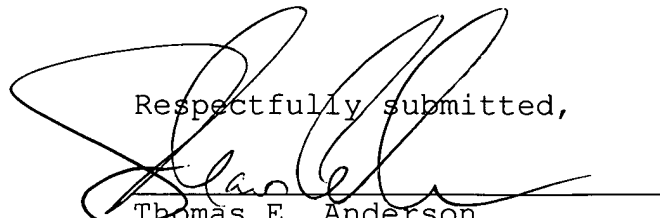
on independent claim 2. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 2, 3, 6, 7, and 9 be withdrawn.

V. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Respectfully submitted,



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